

**ORIGINAL**

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

2021 OCT 28 AM 10:32

DEPUTY CLERK \_\_\_\_\_

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**PATRICK CREAMER**

**VS.**

**WELLS FARGO BANK, N.A.**

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§

**CIVIL ACTION NO.**

**JURY TRIAL DEMANDED**

**3-21CV2670-N**

**COMPLAINT**

**JURISDICTION**

1. The jurisdiction of this Court attains pursuant to the Fair Credit Reporting Act, 15 U.S.C. §1681(p) ("FCRA") and the Truth in Lending Act, 15 U.S.C. §1643 ("FCBA") Venue lies in the Dallas Division of the Northern District of Texas as Plaintiff's claims arose from acts of the Defendant perpetrated therein.

**PARTIES**

2. Plaintiff, Patrick Creamer, is a natural person who resides in Dallas County, Texas and is a "consumer" as defined by 15. U.S.C. §1681a(c) of the FCRA. Plaintiff is a resident and citizen of Dallas County, Texas.

3. Defendant, Wells Fargo Bank, N.A. is a foreign financial institution which conducts business in Texas and may be served with process by serving its registered agent, Corporation Service Company, 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701.

**FACTUAL ALLEGATIONS**

4. Plaintiff is a cardholder of an account with Defendant, ending in 3815. The account had been opened with his then wife. Plaintiff divorced his wife and the account had been dormant for several years. Plaintiff believed the account to be closed.

5. In April, 2021, Plaintiff's ex-wife re-activated the account and obtained a \$75,000 advance from the account.

6. When Plaintiff received the bill for that advance, he called Defendant and requested the account to be closed.

7. Defendant did not close the account but opened a completely new account and put his ex-wife on the account with him. The ex-wife was permitted to obtain another \$75,000 advance on the new, unauthorized account.

8. Plaintiff did not authorize the opening of the new account.

### **CAUSES OF ACTION**

#### **COUNT I**

9. Plaintiff realleges and incorporates paragraphs 1 through 8 above as if fully set out herein.

10. Defendant violated the Truth in Lending Act, 15 U.S.C. §1642 and §1643. Plaintiff did not request nor apply for the issuance of a second credit card.

11. Defendant further violated the Truth in Lending Act by not providing the required disclosures nor any other documentation for the second credit card in violation of 15 U.S.C. §1601 et seq. The disclosures are required to be given prior to any transaction on the account. Defendant violated this requirement. 15 U.S.C. §1637(a).

12. Defendant's failures to follow the law entitles Plaintiff to actual and statutory damages under section 1640(a).

13. The Plaintiff is entitled to recover costs and attorney fees from Defendant.

### **Prayer for Relief**

WHEREFORE, the Plaintiff prays that this Court:

1. Enter judgment in favor of Plaintiff and against Defendant for statutory damages,

actual damages, costs, and reasonable attorney fees as provided by 15 U.S.C. §1640.

2. Grant such further relief as deemed just.
3. Pre and post-judgment interest as allowed by law:

**TRIAL BY JURY IS DEMANDED.**

Respectfully submitted,

A handwritten signature in cursive script that reads "Sharon K. Campbell". The signature is written in black ink and is positioned above the printed contact information.

Sharon K. Campbell  
State Bar # 03717600  
3500 Oak Lawn Ave., Suite 110  
Dallas, Texas 75219  
Telephone: 214/351-3260  
Fax: 214/443-6055  
Sharon@SharonKCampbell.com

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Patrick Creamer

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Sharon Campbell, 3500 Oak Lawn Ave, #110, Dallas, Texas  
75219; 214-351-3260

## DEFENDANTS

Wells Fargo Bank, N.A.

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

RECEIVED

OCT 28 2021

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CLERK U.S. DISTRICT COURT

NORTHERN DISTRICT OF TEXAS

and One Box for Defendant)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

- |  |  |   |  |  |   |
|--|--|---|--|--|---|
| <input type="checkbox"/> 110 Insurance   | <input type="checkbox"/> 310 Airplane                              | <input type="checkbox"/> 365 Personal Injury - Product Liability                          | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 422 Appeal 28 USC 158                         | <input type="checkbox"/> 375 False Claims Act   |
| <input type="checkbox"/> 120 Marine  | <input type="checkbox"/> 315 Airplane Product Liability            | <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability | <input type="checkbox"/> 690 Other                                       | <input type="checkbox"/> 423 Withdrawal 28 USC 157                     | <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))   |
| <input type="checkbox"/> 130 Miller Act  | <input type="checkbox"/> 320 Assault, Libel & Slander              | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability                   |  | <input type="checkbox"/> 820 Copyrights                                | <input type="checkbox"/> 400 State Reapportionment  |
| <input type="checkbox"/> 140 Negotiable Instrument                                   | <input type="checkbox"/> 330 Federal Employers' Liability          |   |  | <input type="checkbox"/> 830 Patent                                    | <input type="checkbox"/> 410 Antitrust  |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment       | <input type="checkbox"/> 340 Marine                                | <input type="checkbox"/> 370 Other Fraud  | <input type="checkbox"/> 710 Fair Labor Standards Act                    | <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application | <input type="checkbox"/> 430 Banks and Banking  |
| <input type="checkbox"/> 151 Medicare Act  | <input type="checkbox"/> 345 Marine Product Liability              | <input type="checkbox"/> 371 Truth in Lending   | <input type="checkbox"/> 720 Labor/Management Relations                  | <input type="checkbox"/> 840 Trademark                                 | <input type="checkbox"/> 450 Commerce   |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) | <input type="checkbox"/> 350 Motor Vehicle                         | <input type="checkbox"/> 380 Other Personal Property Damage                               | <input type="checkbox"/> 740 Railway Labor Act                           | <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016          | <input type="checkbox"/> 460 Deportation  |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits           | <input type="checkbox"/> 355 Motor Vehicle Product Liability       | <input type="checkbox"/> 385 Property Damage Product Liability                            | <input type="checkbox"/> 751 Family and Medical Leave Act                | <input type="checkbox"/> 861 HIA (1395ff)                              | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations                   |
| <input type="checkbox"/> 160 Stockholders' Suits                                     | <input type="checkbox"/> 360 Other Personal Injury                 |   | <input type="checkbox"/> 790 Other Labor Litigation                      | <input type="checkbox"/> 862 Black Lung (923)                          | <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)                            |
| <input type="checkbox"/> 190 Other Contract  | <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <input type="checkbox"/> 463 Alien Detainee   | <input type="checkbox"/> 791 Employee Retirement Income Security Act     | <input type="checkbox"/> 863 DIWC/DIWW (405(g))                        | <input type="checkbox"/> 485 Telephone Consumer Protection Act                                |
| <input type="checkbox"/> 195 Contract Product Liability                              |  | <input type="checkbox"/> 510 Motions to Vacate Sentence                                   |  | <input type="checkbox"/> 864 SSID Title XVI                            | <input type="checkbox"/> 490 Cable/Sat TV   |
| <input type="checkbox"/> 196 Franchise   |  | <input type="checkbox"/> 530 General  |  | <input type="checkbox"/> 865 RSI (405(g))                              | <input type="checkbox"/> 850 Securities/Commodities/Exchange                                  |
|  |  | <input type="checkbox"/> 535 Death Penalty  | <input type="checkbox"/> 462 Naturalization Application                  |  | <input checked="" type="checkbox"/> 890 Other Statutory Actions                               |
| <input type="checkbox"/> 210 Land Condemnation                                       | <input type="checkbox"/> 440 Other Civil Rights                    | <input type="checkbox"/> 540 Mandamus & Other   | <input type="checkbox"/> 465 Other Immigration Actions                   | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)       | <input type="checkbox"/> 891 Agricultural Acts  |
| <input type="checkbox"/> 220 Foreclosure   | <input type="checkbox"/> 441 Voting                                | <input type="checkbox"/> 550 Civil Rights   |  | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609               | <input type="checkbox"/> 893 Environmental Matters  |
| <input type="checkbox"/> 230 Rent Lease & Ejectment                                  | <input type="checkbox"/> 442 Employment                            | <input type="checkbox"/> 555 Prison Condition   |  |  | <input type="checkbox"/> 895 Freedom of Information Act                                       |
| <input type="checkbox"/> 240 Torts to Land   | <input type="checkbox"/> 443 Housing/Accommodations                | <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement                   |  |  | <input type="checkbox"/> 896 Arbitration  |
| <input type="checkbox"/> 245 Tort Product Liability                                  | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment     |   |  |  | <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision |
| <input type="checkbox"/> 290 All Other Real Property                                 | <input type="checkbox"/> 446 Amer. w/Disabilities - Other          |   |  |  | <input type="checkbox"/> 950 Constitutionality of State Statutes                              |
|  | <input type="checkbox"/> 448 Education                             |   |  |  |   |

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. 1601, 1643 Truth in Lending Act

Brief description of cause:

Defendant issued card without request or authorization and allowed unauthorized cash advance

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE